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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 JONATHAN WATKINS,

10 Petitioner,

11 vs.

12 JAMES COX, Warden, et al.,

13 Respondents.

Case No. 2:04-CV-00849-KJD-(GWF)

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ORDER

15 The Court denied Petitioner relief (#77) and entered judgment (#78). Petitioner
16 appealed (#80), and the Court then denied Petitioner a certificate of appealability (#89). Petitioner
17 has submitted a new, pro se Amended Petition (#90), an Ex Parte Motion for Appointment of
18 Counsel (#91), a Motion for Leave to file Amended Petition (#92), and a Motion for Relief from
19 Judgment or Order (#93). The Court lacks jurisdiction to rule on the motions because this action is
20 on appeal. See Williams v. Woodford, 384 F.3d 567, 586 (9th Cir. 2004). The Court strikes the
21 Amended Petition (#90) because it cannot grant leave to amend the petition.

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1 IT IS THEREFORE ORDERED that Petitioner's Ex Parte Motion for Appointment
2 of Counsel (#91), Motion for Leave to file Amended Petition (#92), and Motion for Relief from
3 Judgment or Order (#93) are **DENIED**.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall **STRIKE** the
5 Amended Petition (#90).

6 DATED: October 7, 2008



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8 KENT J. DAWSON
9 United States District Judge
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